



NEWS

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF APRIL 23, 2001

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#01-42 Manduley v. Superior Court, S095992. (D036356, D036456; 86 Cal.App.4th 1198.) Petition for review after the Court of Appeal granted petitions for peremptory writ of mandate. This case concerns whether the provisions of the Gang Violence and Juvenile Crime Prevention Initiative (Prop. 21, Primary Elec. (Mar. 7, 2000)) that amended Welfare and Institutions Code section 707 to give district attorneys discretion to decide to file specified criminal charges against minors either in adult court or in juvenile court violate the doctrine of separation of powers.

DISPOSITIONS

#99-131 Babcock v. ITT Residential Capital Corp., S080194, was transferred to the Court of Appeal for reconsideration in light of Washington Mutual Bank v. Superior Court, 24 Cal.4th 906.

#00-71 People v. Valentine, S087446, was transferred to the Court of Appeal for reconsideration in light of People v. Smith, 24 Cal.4th 849.

(over)

The following cases were transferred to the Court of Appeal for reconsideration in light of People v. Sanchez, 19 Cal.4th 686:

#98-74 People v. Gonzalez, S069308.

#99-8 People v. Johnson, S074453.

#99-9 People v. O'Hare, S074598.

The following cases were dismissed and remanded to the Court of Appeal:

#99-67 FirstAmerica Automotive, Inc. v. Sweeney, S087894.

#99-146 People v. Marjanian, S080497.

#00-100 People v. McCoy, S088767.

STATUS

#00-136 People v. Talibdeen, S090710. The court ordered briefing in this case in which briefing was previously ordered deferred, limited to the issue of whether, on appeal of a criminal conviction, the Court of Appeal may impose state (Pen. Code, § 1464, subd. (a)) and county (Gov. Code, § 76000, subd. (a)) penalty assessments omitted by the trial court if the People failed to object to the omission at sentencing.

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